

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 665

S.P. 227

In Senate, February 28, 2017

**An Act To Give the Courts Sentencing Discretion When a Person
with a Developmental Disability Has Been Convicted of a Crime**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Senators: CYRWAY of Kennebec, DIAMOND of Cumberland,
Representatives: COREY of Windham, NADEAU of Winslow.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1152, sub-§2-E** is enacted to read:

3 2-E. Notwithstanding any provision of law to the contrary, if the court finds that the
4 individual has an abnormal condition of the mind as a result of an intellectual disability or
5 an autism spectrum disorder, the court may in its discretion impose a sentence that is less
6 severe than any mandatory minimum sentence that is required by law, including, but not
7 limited to, chapter 51 or 53. For the purposes of this subsection, "intellectual disability"
8 means a disability characterized by significant limitations in both intellectual functioning
9 and the conceptual, social and practical skills that are required for successful everyday
10 functioning and that are recognized by professionals in the field of developmental
11 disabilities as adaptive behavior.

12 **SUMMARY**

13 This bill provides that, notwithstanding any provision of law to the contrary, if the
14 court finds that a convicted person has an abnormal condition of the mind as a result of an
15 intellectual disability or an autism spectrum disorder, the court may in its discretion
16 impose a sentence that is less severe than any mandatory minimum sentence that is
17 required by law, including, but not limited to, the Maine Revised Statutes, Title 17-A,
18 chapter 51 or 53. The bill defines "intellectual disability" as a disability characterized by
19 significant limitations in both intellectual functioning and the conceptual, social and
20 practical skills that are required for successful everyday functioning and that are
21 recognized by professionals in the field of developmental disabilities as adaptive
22 behavior.